



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 01936-00

16 August 2000

MK-  
[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 26 May 2000, a copy of which is attached. The Board also considered your letter dated 25 June 2000 with enclosure.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They were unable to find you had been provided incorrect information as to how to protect your promotion, nor could they find you had been told you could not give the Fiscal Year (FY) 00 Naval Reserve Line Lieutenant Commander Selection Board current information about your intentions. Since they found insufficient basis to remove your failures by the FY 99 and 00 Naval Reserve Line Lieutenant Commander Selection Boards, they had no grounds to set aside your discharge from the Naval Reserve on 1 April 2000. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

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PERS-86

26 MAY 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL  
RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF  
[REDACTED], USNH [REDACTED]

Encl: (1) BCNR File 01936-00 w/Service Record

1. We are returning enclosure (1) with the following observations and recommendation that Lieutenant [REDACTED] request be denied.
2. Lieutenant [REDACTED] requested the removal of two failures of select on the basis that he was mis-informed concerning his eligibility for consideration, and that his record was not current.
3. The FY-99 and FY-00 Naval Reserve Lieutenant Commander Line Promotion Selection Boards properly considered Lieutenant [REDACTED] for promotion, however, neither board selected him. Specific reasons for the failures of select are not available because selection board proceedings are sensitive in nature and records of deliberations are not kept.
4. Lieutenant [REDACTED] was considered and selected for promotion by the FY-93 Naval Reserve Lieutenant Line Promotion Selection Board. Contrary to his claim, he accepted the appointment on 28 October 1993 while in the Active Status Pool, the same status he has been in since his release from active duty in 1992. It is our opinion that an officer with his experience should have taken all actions necessary to protect his future promotions. The record was relatively complete when subsequently reviewed by the FY-99 and FY-00 selection boards and reflected the completion of some correspondence courses in 1997. It is our opinion the record simply was not competitive enough when viewed within the numerical constraints placed on the boards.

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF  
LT [REDACTED] USNR, [REDACTED]

5. We find no basis to recommend relief in this case.

6. Lieutenant [REDACTED] can be justifiably proud of his record and years of contributions; the negative response to his petition does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]  
Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division